

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Complainant,

v.

INTERNATIONAL ROOFING &
BUILDING CONSTRUCTION, INC.,

Respondent.

CASE NO. OSH 2007-19

ORDER NO. 263

PRETRIAL ORDER

PRETRIAL ORDER

Pursuant to the initial conference in this matter held by the Hawaii Labor Relations Board (Board) on September 19, 2007, and attended by Herbert B.K. Lau, Deputy Attorney General, for Complainant, and Neal K. Aoki, Esq., for Respondent, IT IS HEREBY ORDERED THAT:

- A. The issues to be determined at trial are:
- (1) Whether Respondent violated OSHA Standard 29 CFR 1926.501(b)(13) relating to fall protection;
 - (2) Whether Respondent may rely on any affirmative defense, including employee misconduct;
 - (3) Whether the characterization of the subject notice of violation as "serious" is correct; and
 - (4) Whether the penalties assessed by Complainant are correct.
- B The deadline for the parties' final naming of witnesses is **November 30, 2007**.
- C. The discovery cutoff date is **December 21, 2007**.

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- D. Trial in this matter is scheduled for **January 23, 2008, at 9:00 a.m.**, or as soon thereafter as this case can be heard, in the Board's hearing room located at 830 Punchbowl Street, Room 434, Honolulu, Hawaii, 96813. The trial will continue from day-to-day until completed.
- E. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, September 20, 2007.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



EMORY J. SPRINGER, Member



SARAH R. HIRAKAMI, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees, if any, at least five working days prior to the trial date.

Copies sent to:

Herbert B.K. Lau, Deputy Attorney General
Neal K. Aoki, Esq.